

### **REMARKS**

Claims 1-26 are pending, of which claims 16-26 are withdrawn. Applicants traverse all of the rejections in the Office Action and respectfully request reconsideration and passage of the claims to allowance for the following reasons.

Applicants thank the Examiner for the provided US provisional application No. 60/034489. However, Applicants need further clarification. The provisional Application referred to in the Office Action is identified by No. 60/034,490 (see Office Action, pages 2 and 3). Clarification as to which provisional application the Examiner has relied upon in his arguments is needed.

### **REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. §103**

Claims 1-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gordon et al. WO 98/31115 (Gordon) in view of Coleman et al. U.S. Patent 5,844,620 (Coleman) and U.S. Patent 6,198,478 (Ota).

Applicants submit that Gordon, Coleman, and, Ota, alone or in any permissible combination, fail to teach or suggest "a transport stream generator including a processor and a multiplexer, the transport stream generator for receiving demand-cast guide page usage information from the session manager, for using said information to determine if there is a demand-cast guide page currently in a demand-cast stream that is not currently being accessed and controlling which demand-cast guide pages of said array of guide pages are inserted into the demand-cast stream to replace the demand-cast guide page not currently being accessed," as positively recited by Applicants' independent claim 1.

The Examiner admits that Gordon does not teach or suggest the above named element of claim 1 and relies on Ota to supply the element. More specifically, the Examiner reasons that because Ota discloses determining whether anyone is viewing a program and emptying a corresponding channel if there are no viewers, Ota teaches a content distribution system which determines whether there is a demand cast content item currently in a demand cast stream that is not currently being accessed. Applicants disagree.

In general, Ota discloses a CATV distribution system. The system includes a limited number of the transmission channels, where each channel is capable of transmitting only one program at a time. When a user requests a specific program and the requested program is not currently being broadcasted, then the system seeks an empty channel and the requested program is transmitted using the found channel. A channel used for transmitting a program may become empty after the program is cancelled by a subscriber and no other subscribers are viewing the program.

In contrast, according to Applicants' invention of claim 1 a single demand-cast stream may contain multiple demand-cast guide pages. A demand-cast guide page of the multiple demand-cast guide pages that is not currently being accessed is determined and may be replaced by another demand-cast guide page. Actions of determining whether the only program transmitted on a channel is viewed by a subscriber to empty the channel and using an empty channel to transmit a requested program, as described in Ota, are not the same as actions of Applicants' claimed invention, namely actions of determining whether one of the guide pages in a stream is not being currently accessed and inserting another guide page into the stream to replace the determined page where the stream already contains multiple guide pages. Therefore, Ota does not teach or suggest the above named element of Applicants' claim 1, and thus fails to bridge the substantial gap between Gordon and Coleman and Applicants' invention of at least claim 1.

Accordingly, Applicants respectfully submit that claim 1 allowable over Gordon in view of Coleman and Ota under §103. Claims 2-15 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding additional elements and further defining elements. Therefore, claims 2-15 are also allowable over Gordon in view of Coleman and Ota under §103 for at least the reasons given above with respect to claim 1.

**CONCLUSION**

For the foregoing reasons, Applicants respectfully request reconsideration and passage of the claims to allowance. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

6/17/08

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